

DEPARTMENT OF FINANCE  
4396 RICE STREET  
LIHUE, HAWAII 96766

RULES OF PROCEDURES AND PRACTICE RELATING TO THE SUSPENSION  
AND OR REVOCATION OF AN OFFICIAL INSPECTION STATION OR  
INSPECTOR, CHAPTER 286, HAWAII REVISED STATUTES

Pursuant to the provisions of the Charter of the County of  
Kauai, and Chapters 91 and 92 of the Hawaii Revised  
Statutes, the Director of Finance of the County of Kauai  
hereby adopts the following rules.

Department of Finance  
County of Kauai  
State of Hawaii

ARTICLE 1

GENERAL PROVISIONS

1.01 Scope of Rules

The rules established herein shall govern the practice  
and procedures of the Director of Finance of the County of  
Kauai.

1.02 Mandate

These rules are adopted pursuant to the requirements of  
the Administrative Procedure Act (Chapter 91, Hawaii Revised  
Statutes) and Chapter 92 of the Hawaii Revised Statutes.

Beg  
P-102.15-2d  
to LG 2-10-88

### 1.03 Purpose

The State of Hawaii Rules and Regulations governing the periodic Safety inspection of vehicles of less than 10,000 pounds gross vehicle weight mandates that the county agency involved in the administration of these rules shall supervise and cause inspections to be made of official inspection stations and shall suspend or revoke and require the surrender of any permit, certificate of inspection forms and inspection stickers issued to a station which it finds is not properly manned or equipped or not properly conducting inspections. The county agency shall maintain at its office a file of all stations whose permits are under suspension or have been revoked.

The county agency shall supervise and cause inspections to be made of the practices of all safety inspectors and shall suspend or revoke and require the surrender of any certificate issued to a safety inspector or refuse to renew the certificate of any safety inspector whom it finds is not properly conducting inspections. The county agency shall maintain at its office a file of the names of all safety inspectors whose certifications are under suspension or have been revoked.

### 1.04 Definitions

For the purpose of these rules herein:

1. The term "minor infraction" relates to:
  - (a) Failure to complete the safety inspection certificate in a proper manner.
  - (b) Failure to post the station permit and inspector permit card in a conspicuous place.
  - (c) Failure to maintain the inspection area in a safe and clean condition.

- (d) Failure to submit inspection reports according to periodic motor vehicle inspection rules and regulations.
  - (e) Failure to store stickers and decals in a locked and secured area.
2. The term "major infraction" relates to:
- (a) Defective inspection equipment.
  - (b) Failure to notify county agency of change of inspection address.
  - (c) Failure to notify county agency of change of ownership or management.
  - (d) Failure to be properly equipped to conduct safety inspections.
  - (e) Allow unauthorized person(s) to issue and/or affix safety stickers/decals to vehicles.
  - (f) No licensed inspector.
3. The term "serious infraction" relates to:
- (a) Unlawful transfer of stickers and/or decals from one station to another station.
  - (b) Invalid liability insurance or no liability insurance.
  - (c) Unlawful issuance of inspection decals and/or stickers.

## ARTICLE II

### ADMINISTRATIVE HEARING AND PROCEDURES

#### 2.01 Request for Hearing

An operator of an official inspection station or certified safety inspector whose permit has been suspended or revoked pursuant to the State of Hawaii Rules and Regulations governing the periodic safety inspection of vehicles of less than 10,000 pounds gross vehicle weight,

shall be given a hearing, provided that a written request for a hearing is filed with the Director of Finance within ten(10) calendar days after suspension or revocation. Application may be made through the form as shown in Exhibit 4.

### ARTICLE III

#### HEARING PRACTICES AND PROCEDURES

##### 3.01 Petition for Hearing

Any operator of an official inspection station or certified inspector aggrieved by any suspension or revocation order may request a hearing by filing a petition in writing. The petition shall contain the following information.

- (a) Petitioner's name, address, telephone number, and place of employment;
- (b) A designation of the specific order or act of the Director of Finance in question;
- (c) A complete statement of all relevant facts;
- (d) A complete statement of petitioner's interest and position or contention;
- (e) Petitioner's signature and date petition is submitted to the Director of Finance.

The Director of Finance may reject any petition which does not conform to the requirements set forth hereinabove. This form is shown in Exhibit 4.

##### 3.02 Notice of Hearing

Within fourteen(14) days from the receipt of the petition, the Director of Finance shall notify the petitioner in writing as to the date, time and place of the hearing. Such notice shall be in conformity with Chapter

91, Hawaii Revised Statutes. This notice of hearing is shown in Exhibit 5.

3.03 Hearing.

At such hearing, the Director of Finance shall afford the applicant or licensee an opportunity to be heard. Such hearing shall be conducted in conformity with the applicable provisions of said Chapter 91, Hawaii Revised Statutes.

3.04 Decision and Order.

After the hearing, the Director of Finance may rescind or affirm the suspension or revocation of the permit. Each decision and order adverse to the applicant or licensee shall be in writing or stated in the records. If any party to the proceeding has filed proposed findings of fact, the Director of Finance shall incorporate in the decision a ruling upon each proposed finding presented. Parties to the proceeding shall be notified by delivery or mailing of a certified copy of the decision and order and accompanying findings and conclusions within a reasonable time to each party or to his attorney of record.

3.05 Rehearing.

- a) The Director of Finance may rehear any decision adverse to the applicant or licensee.
- b) The applicant or licensee may apply in writing for a rehearing setting forth:
  - 1) His name, mailing address and

telephone number.

- 2) The particular sections of the ordinances and regulations involved.
  - 3) All new pertinent facts or changes of circumstances.
  - 4) The action of the Director of Finance.
  - 5) The reasons for the rehearing.
- c) Such request for a rehearing shall be submitted within thirty (30) calendar days.

### 3.06 Appeal to Circuit Court

Any final order issued pursuant to the authority granted by Chapter 91, Hawaii Revised Statutes and these rules of procedures shall be subject to appeal to the Circuit Court, as provided in Section 91-14, Hawaii Revised Statutes.

## ARTICLE IV

### ADMINISTRATIVE ACTION PROCEDURE

#### 4.01 Notice of Violation

Discretionary warning notices will be sent by certified mail or hand-delivered to the responsible official inspection station operator or certified inspector for minor infractions or violations of the State of Hawaii Rules and Regulations. Repeated discrepancies shall be cause for suspension and/or revocation. This notice is shown in Exhibits 1 and 2.

#### 4.02 Surrender of Stickers, Decals, and Permit to Operate

Suspension notices will be sent by certified mail or hand-delivered to the responsible official inspection station operator or certified inspector for major

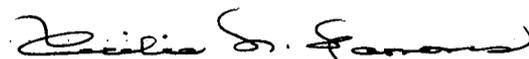
infractions of the State of Hawaii Rules and Regulations or following a second warning notice of a minor infraction. Revocation notices will be sent by certified mail or hand-delivered to the responsible official inspection station operators or certified safety inspectors for serious infractions or following a second suspension notice. This notice is shown in Exhibit 3.

4.03 Length of Suspension Period

1. Two minor infractions during a six-month period will be cause for a 30-day suspension.
2. One major infraction during a six-month period will be cause for a 30-day suspension.
3. Three minor infractions during a six-month period will be cause for a 60-day suspension.
4. Two major infractions during a twelve-month period will be cause for a 90-day suspension.
5. Four minor infractions during a six-month period will be cause for a 90-day suspension.
6. Three major infractions during a two-year period will be cause for a 180-day suspension.
7. One serious infraction will be cause for a revocation period of one(1) year.
8. Two serious infractions will be cause for a revocation period of five(5) years.
9. Indefinite periods of suspension may be imposed and lifted when compliance to a regulation have been met, when there is no outright infraction involved.

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These Rules were adopted by the Department of Finance and shall take effect ten days after filing with the County Clerk, County of Kauai.

  
\_\_\_\_\_  
CECILIA N. RAMONES, Director of Finance

2 / 1 / 88  
\_\_\_\_\_  
Date

APPENDIX

Exhibit	1	NOTICE OF VIOLATION (Inspectors)
Exhibit	2	NOTICE OF VIOLATION (Inspection Stations)
Exhibit	3	NOTICE OF SUSPENSION OR REVOCATION
Exhibit	4	PETITION FOR HEARING
Exhibit	5	NOTICE OF HEARING
Exhibit	6	
Exhibit	7	
Exhibit	8	





DRIVER LICENSE SECTION  
Department of Finance  
4280 A Rice Street  
Lihue, HI 96766

NOTICE OF SUSPENSION OR REVOCATION

\_\_\_\_\_  
Date

.  
. .  
. .  
. .

Dear

In accordance with Section 286-28 Hawaii Revised Statutes, you are hereby notified that effective this date, your:

( ) Official Periodic Safety Motor Vehicle Inspection  
Station Permit

All permits, certificates, and safety decals must be surrendered to the Motor Vehicle Control Inspector, Driver Licenses Section, 4280 Rice Street annex B, Lihue, Kauai, Hawaii 96766. Failure to surrender these items may result in fines and other penalties.

( ) Official Safety Motor Vehicle Inspector Permit

has been ( ) suspended ( ) revoked.

This action is being taken for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
This suspension or revocation will remain in effect for \_\_\_\_\_ days, to end on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ or ( ) indefinitely.

If you disagree with this action, you have a right to a hearing before the Director of Finance. A written request for such a hearing must be filed with the Director of Finance within ten (10) calendar days from the date of this notice. Further, appeals may be made to the Fifth Circuit Court as provided in Chapter 91, Hawaii Revised Statutes.

\_\_\_\_\_  
Motor Vehicle Control Inspector

APPROVED:

\_\_\_\_\_  
Director of Finance

Date: \_\_\_\_\_

DIRECTOR OF FINANCE  
DEPARTMENT OF FINANCE  
COUNTY OF KAUAI  
LIHUE, HI 96766

PETITION FOR HEARING

1. I, \_\_\_\_\_, of  
(name)

\_\_\_\_\_  
(address)

whose telephone number is \_\_\_\_\_, and whose place of employment is

\_\_\_\_\_, do hereby petition for a hearing

on \_\_\_\_\_

(designate specific order or act of Director of Finance or any order you

feel aggrieved by)

2. The reason for this petition is that my:

( ) Official Periodic Safety Motor Vehicle Inspection Permit

( ) Official Safety Motor Vehicle Inspector Permit

should not be suspended because (state reason) \_\_\_\_\_

\_\_\_\_\_  
(Petitioner's Signature and Date)

\_\_\_\_\_  
Date of Receipt

\_\_\_\_\_  
Case No.

EJM/gg

DRIVER LICENSE SECTION  
Department of Finance  
4280 A Rice Street  
Lihue, HI 96766

NOTICE OF HEARING

Case No. \_\_\_\_\_

.  
. .  
. .  
. .

Dear

Pursuant to your request for a hearing relative to your Suspension or Revocation of your Official Motor Vehicle Inspection Permit or Motor Vehicle Safety Inspector Permit dated \_\_\_\_\_, please be informed that the said hearing before the Director of Finance will be held on the following:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Place: \_\_\_\_\_

This hearing shall be conducted in accordance with Chapter 91, Hawaii Revised Statutes. You may retain counsel if so desired, and be afforded the opportunity to present evidence and arguments on all issues involved.

For the Director of Finance

By \_\_\_\_\_

Date \_\_\_\_\_

EJM/gg

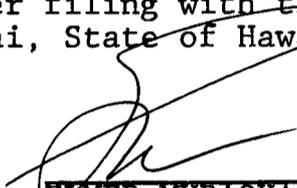
CERTIFICATION

I, Elmer Muraoka, Deputy Director of Finance,  
Department of Finance, County of Kauai, do hereby certify:

1. That the foregoing is a true and correct copy  
of the Rules of the Department of Finance on matters  
relating to Procedures and Practices Relating to the  
Suspension or Revocation of an Official Inspection Station  
or Inspector, Chapter 286, Hawaii Revised Statutes.

2. That notice of public hearing on the foregoing  
Rules, which notice included a statement of the substance of  
the proposed changes, was published in The Garden Island  
Newspaper on December 8, 1987, and in the Kauai Times on  
December 9, 1987.

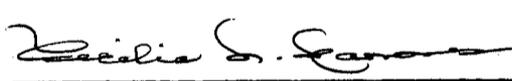
3. That said Rules were adopted by the Department  
of Finance on February 1, 1988 and shall become  
effective ten (10) days after filing with the Office of the  
County Clerk, County of Kauai, State of Hawaii.

  
\_\_\_\_\_  
ELMER MURAOKA  
Deputy Director of Finance

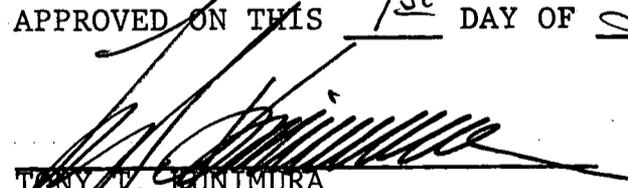
APPROVED AS TO FORM ON THIS 1<sup>st</sup> DAY OF February 1988 :

  
\_\_\_\_\_  
MICHAEL BELLES  
County Attorney, County of Kauai

APPROVED ON THIS 1<sup>st</sup> DAY OF February 1988 :

  
\_\_\_\_\_  
CECILIA N. RAMONES  
Director of Finance, County of Kauai

APPROVED ON THIS 1<sup>st</sup> DAY OF February 1988 :

  
\_\_\_\_\_  
TONY T. LUNIMURA  
Mayor, County of Kauai

CERTIFICATION OF COUNTY CLERK:

I hereby certify that on Feb 8, 1988, I have accepted for filing from the Department of Finance the Rules relating to Procedures and Practices Relating to the Suspension or Revocation of an Official Inspection Station or Inspector adopted on February 1, 1988.



JEROME Y. K. HEW  
County Clerk, County of Kauai

*and*